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6	6 IN THE UNITED STATES DISTRICT	IN THE UNITED STATES DISTRICT COURT	
7	FOR THE DISTRICT OF ARIZONA		
8	8		
9	9 Joseph and Judy Zizlsperger,) No. CV 11-013	76-PHX-FJM	
10	10 Plaintiffs, ORDER		
11	11 vs.		
12	12 Maxwell & Morgan, PC,		
13	Defendant.		
14			
15	15		
16	We have before us defendant's motion for sanctions (doc. 14), plaintiffs' response		
17	(doc. 17), defendant's reply (doc. 18), and defendant's notice of errata (doc. 21). Defendant		
18	requests sanctions pursuant to Rule 11(c), Fed. R. Civ. P., alleging that plaintiffs raised		
19	factual allegations in their complaint which they knew to be false.		
20	Rule 11 sanctions are to be reserved for "rare and exceptional" cases. Operating		
21	Engineers Pension Trust v. A-C Co., 859 F.2d 1336, 1344 (9th Cir. 1988). This case does		
22	not present the facts necessary for us to exercise the "extraordinary remedy" of Rule 11. <u>Id.</u>		
23	at 1345. For instance, a failure to plead sufficient facts is not a basis for sanctions under Rule		
24	11. Here, no facts were found supporting plaintiffs' contentions that defendant sent an order		
25	to Mr. Zizlsperger's employer to garnish an improper amount of his wages. It is possible that		
26	plaintiffs' counsel believed such facts could have been found, however. Cf. Truesdell v.		
27	Southern Cal. Permanente Med. Group, 293 F.3d 1146, 1153-54 (9th Cir. 2002) (finding		
28	plaintiff's counsel must have known allegations were false and sanctions were warranted).		

Defendant requested sufficient monetary sanctions "to deter similar conduct in the future, and to compensate Defendant for the fees, costs and resources it has been forced to incur in filing this Motion and responding to the baseless Complaint." (Doc. 14 at 6). Defendant previously filed a motion for attorneys' fees, seeking \$17,677.50 (doc. 19). No memorandum in support was ever filed, though, and the motion did not include any breakdown of the fees. We have no way of knowing how much defendant incurred in filing the motion for sanctions and responding to the complaint, as compared to other tasks such as filing the motion for attorneys' fees.

IT IS ORDERED DENYING defendant's motion for sanctions (doc. 14). DATED this 17th day of January, 2012.

Frederick J. Martone United States District Judge